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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SMITH, RICHARD A	

ART UNIT	PAPER NUMBER
2841	

NOTIFICATION DATE	DELIVERY MODE
07/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Office Action Summary	Application No.	Applicant(s)	
	10/656,881	HERNANDEZ ET AL.	
	Examiner	Art Unit	
	R. Alexander Smith	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *11-22,26 and 27* is/are allowed.

6)☒ Claim(s) *1-6,23-25,28 and 29* is/are rejected.

7)☒ Claim(s) *7-10* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20080625*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-6, 23-25, 28 and 29 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over US 3,092,071 A to Simpson, Jr. et al. in view of US 4,532,952 to Norwood and US 3,666,340 to Albeanese III.

Simpson, Jr. et al. discloses a position indicator having an input shaft 32 having an angular velocity, a display includes a pointer 23 to indicate a position of a tap changer (column

2, lines 65-72) and the pointer has an angular velocity, a non-linear drive mechanism (figures 2-5), the mechanism includes a Geneva type mechanism and motion includes a dwell (figures 3-5 and associated text), a housing 21 to house the position indicator display, and the pointer being mounted on the drive mechanism (the drive mechanism includes shaft 24).

Simpson, Jr. et al. does not disclose:

a polymer housing, a one-piece clear polymer cover enclosing the position indicator display and mechanism in the polymer housing, a hinge connected to the cover; and a hand-operated fastening device that secures the one-piece clear polymer cover to the polymer housing such that an interaction between the polymer housing and the one-piece clear polymer cover creates a seal between the one-piece clear polymer cover and the polymer housing, wherein the cover can be rotated about the hinge,

wherein the hand-operated fastening device includes a latch, and

the latch secures the one-piece clear polymer cover to the polymer housing such that the one-piece clear polymer cover can be opened without the use of tools in claim 2,

wherein the hinge includes a first portion that is integrated with the polymer housing and a second portion that is integrated with the one-piece clear polymer cover in claim 3,

a compliant gasket positioned within a groove of the housing such that the gasket interfaces with the circumferential lip on the cover in claim 25, and

wherein the one-piece polymer cover is secured to the polymer housing at a single access point.

Norwood '952 discloses (column 10 lines 48-61 and column 11 lines 28-37) a polymer (via the thermosetting resinous material, also see claim 11) housing and a two-piece (the second piece being the window) polymer cover enclosing a controller therein in order to provide impact resistance and to protect the controller therein from severe environmental conditions, a hinge (122, 124) connected to the cover; and a hand-operated fastening device (134 and 136) that secures the polymer cover to the polymer housing such that an interaction between the polymer housing and the polymer cover creates a seal between the polymer cover and the polymer housing (via O-ring seal 120 positioned within the corresponding groove in the cover), wherein the cover can be rotated about the hinge,

wherein the hand-operated fastening device includes a latch (column 11 lines 35-37), and the latch secures the polymer cover to the polymer housing such that the polymer cover can be opened without the use of tools in claim 2,

wherein the hinge includes a first portion that is integrated with the polymer housing and a second portion that is integrated with the polymer cover (figures 4-5 as shown) in claim 3,

a compliant gasket positioned within a groove of the cover such that the gasket interfaces with the circumferential lip on the housing (best shown in figure 18), and

wherein the one-piece polymer cover is secured to the polymer housing at a single access point (at latch 136).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing for the position indicator, taught by Simpson, Jr. et al., by making the housing a polymer housing, and adding a polymer cover, a hinge, a latch, and an

interaction which creates a seal, as suggested by Norwood, in order to (a) provide impact resistance and protection from severe environmental conditions, as suggested by Norwood, and (b) to protect the pointer from being bumped and damaged, (c) to keep dirt, oil, water, etc. from affecting the pointer and the readability of the dial face, and (d) to allow easier servicing of the components of the position indicator when needed.

With respect to a clear one-piece polymer cover: Albeanese III discloses an instrument housing for protecting instruments from the environment (column 7 lines 13-35), discloses that the material can be Fiberglas, Plexiglas or other suitable materials and plastics (column 3 lines 57-61, column 5 lines 71-74, column 7 lines 31-35) and shows the cover as one piece and that it is transparent (column 4 lines 65-66). Therefore, it would have been further been obvious to one of ordinary skill in the art at the time of the invention to modify the two piece cover, i.e., having a separate window, taught by Norwood '952, to be a clear one-piece cover, as suggested by Albeanese III, in order to provide a view of the entire interior for inspection purposes and to simplify manufacturing and costs.

With respect to claim 25: Norwood '952 discloses the reverse wherein the gasket and groove are on the cover and interfaces with the lip of the housing, as stated above. Therefore, with respect to claim 25 wherein a compliant gasket is positioned within a groove in the housing such that the gasket interfaces with a circumferential lip provided around the cover: It would have been obvious to one having ordinary skill in the art at the time of the invention was made to reverse the positioning of the lip and of the gasket and its groove, since it has been held that

rearranging parts of an invention involves only routine skill in the art. In re Japikse 86 USPQ 70.

3. Claims 1-6, 23-25, 28 and 29 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over US 3,092,071 A to Simpson, Jr. et al. in view of US 4,916,617 to Norwood and US 3,666,340 to Albeanese III.

Simpson, Jr. et al. discloses a position indicator having an input shaft 32 having an angular velocity, a display includes a pointer 23 to indicate a position of a tap changer (column 2, lines 65-72) and the pointer has an angular velocity, a non-linear drive mechanism (figures 2-5), the mechanism includes a Geneva type mechanism and motion includes a dwell (figures 3-5 and associated text), a housing 21 to house the position indicator display, and the pointer being mounted on the drive mechanism (the drive mechanism includes shaft 24).

Simpson, Jr. et al. does not disclose:

a polymer housing, a one-piece clear polymer cover enclosing the position indicator display and mechanism in the polymer housing, a hinge connected to the cover; and a hand-operated fastening device that secures the one-piece clear polymer cover to the polymer housing such that an interaction between the polymer housing and the one-piece clear polymer cover creates a seal between the one-piece clear polymer cover and the polymer housing, wherein the cover can be rotated about the hinge,

wherein the hand-operated fastening device includes a latch, and

the latch secures the one-piece clear polymer cover to the polymer housing such that the one-piece clear polymer cover can be opened without the use of tools in claim 2,

wherein the hinge includes a first portion that is integrated with the polymer housing and a second portion that is integrated with the one-piece clear polymer cover in claim 3,

a compliant gasket positioned within a groove of the housing such that the gasket interfaces with the circumferential lip on the cover, and

wherein the one-piece polymer cover is secured to the polymer housing at a single access point.

Norwood '617 discloses (column 6 lines 38-63) a polymer (via the thermosetting resinous material) housing and a one-piece polymer cover enclosing a controller therein in order to provide impact resistance and to protect the controller therein from severe environmental conditions, a hinge (as shown, not labeled) connected to the cover; and a hand-operated fastening device (not shown, column 6 lines 61-63) that secures the polymer cover to the polymer housing such that an interaction between the polymer housing and the polymer cover creates a seal between the polymer cover and the polymer housing (via O-ring seal 20 positioned within the corresponding groove in the cover), wherein the cover can be rotated about the hinge,

wherein the hand-operated fastening device includes a latch (as described above), and the latch secures the polymer cover to the polymer housing such that the polymer cover can be opened without the use of tools in claim 2 (via being an over-center latching device),

wherein the hinge includes a first portion that is integrated with the polymer housing and a second portion that is integrated with the polymer cover (figure 1 as shown) in claim 3,

a compliant gasket positioned within a groove of the cover such that the gasket interfaces with the circumferential lip on the housing (as best shown in figure 1), and

wherein the one-piece polymer cover is secured to the polymer housing at a single access point (via "by an over-center latching device" in column 6 lines 62-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing for the position indicator, taught by Simpson, Jr. et al., by making the housing a polymer housing, and adding a polymer cover, a hinge, a latch, and an interaction which creates a seal, as suggested by Norwood '617, in order to (a) provide impact resistance and protection from severe environmental conditions, as suggested by Norwood '617, and (b) to protect the pointer from being bumped and damaged, (c) to keep dirt, oil, water, etc. from affecting the pointer and the readability of the dial face, and (d) to allow easier servicing of the components of the position indicator when needed.

With respect to a clear cover: Albeanese III discloses an instrument housing for protecting instruments from the environment (column 7 lines 13-35), discloses that the material can be Fiberglas, Plexiglas or other suitable materials and plastics (column 3 lines 57-61, column 5 lines 71-74, column 7 lines 31-35) and shows the cover as one piece and that it is transparent (column 4 lines 65-66).. Therefore, it would have been further been obvious to one of ordinary skill in the art at the time of the invention to modify the cover, taught by Norwood '617, to be a

clear cover, as suggested by Albeanese III, in order to allow the user to view the display readout (42) without having to open the cover, and also provide a view of the entire interior for inspection purposes.

With respect to claim 25: Norwood '617 discloses the reverse wherein the gasket and groove are on the cover and interfaces with the lip of the housing, as stated above. Therefore, with respect to claim 25 wherein a compliant gasket is positioned within a groove in the housing such that the gasket interfaces with a circumferential lip provided around the cover: It would have been obvious to one having ordinary skill in the art at the time of the invention was made to reverse the positioning of the lip and of the gasket and its groove, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse 86 USPQ 70.

Allowable Subject Matter

4. Claims 11-22, 26 and 27 are allowable

5. Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

6. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Response to Arguments

7. Applicant's arguments filed March 17, 2008 with respect to Hungerford et al. and Truesdell et al. are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed March 17, 2008 with respect to Simpson have been fully considered but they are not persuasive.

Regarding Simpson not teaching a cover of any sort or a polymer housing: This argument is not persuasive since Simpson was not relied upon for a teaching of a cover or a polymer housing. Simpson's teaching is drawn to an indicator and its particular type of drive mechanism in order to eliminate hysteresis and improve mechanical movement. Furthermore, older patents rarely disclose details which would have been considered as obvious to one of ordinary skill in the art, particularly when the details were not directly addressing the invention that was claimed. Simpson was addressing an indicator mechanism to improve the accuracy thereof as stated above and this is where Simpson provided details.

With respect to the other references applied in combination, i.e., non-analogous, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the other references are relied upon for the teaching of covers and housings to protect an instrument, or other items, therein, and in

would be obvious to one of ordinary skill in the art that Simpson, as shown, would be highly susceptible to the environment.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related indicators or features thereof.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251. The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on 571-272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R.A.Smith/

R. Alexander Smith
Primary Examiner Art Unit 2841

July 8, 2008